

REMARKS

Claims 1-9 remain pending in the present application.

Claim 1 has been amended to modify the phrase "measured quantity value" to reflect its antecedent basis "measured quantity."

Claims 1-9 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. The Office Action states that the claims are written in very poor language and are replicated with relative terms such as basic value, measured quantity, and additional measured quantities. Moreover, the Office Action states that with respect "to the preamble of claims 1 and 9, it is unclear as to why the applicant is trying to determine a value of a 'measured quantity', i.e. if a quantity is already measured why would one want to determine it." These various objections of the Examiner might have had some legitimacy, had the proper way to read claims been to read them in a vacuum, but these concerns of the Examiner fall away when the claims are construed as they should be, that is, by reading them in view of the specification. Amended Claim 1 recites:

A method for determining a basic value of at least one measured quantity of a brake system, the at least one measured quantity being a basis for controlling the brake system, the method comprising:

assuming a measured value of the at least one measured quantity available on activation of the brake system as the basic value; and

forming a measured signal for adjusting a brake pressure for controlling the brake system as a function of the at least one measured quantity and the basic value.

Additionally, the specification states:

Modern brake systems are usually controlled electronically. Therefore, **various measured values** are detected in the area of the brake system, including, for example, *the wheel brake pressure, brake circuit pressures, driver intent signals such as pedal displacement, main cylinder displacements, admission pressures, etc.* These **measured quantities must be calibrated to a basic value** to guarantee satisfactory control. (Specification, p. 1, ll. 2-7, *emphasis added*).

In electric control it is essential that the driver's intent and/or the actual quantities be detected correctly. Therefore, this quantity or these quantities must be calibrated. In this connection, at least one basic value of the corresponding quantities is determined, in particular the value delivered by the respective sensor in a suitable operating mode. Such an operating mode exists, for example, when the brake pedal is completely released, i.e., there is no intent to brake on the part of the driver and/or there is no operation of the wheel brakes (e.g., due to other control functions). (Specification, p. 4, ll. 10-16).

Thus, according to Claim 1, a basic value is determined for a measured quantity, a measured signal is formed as a function of the determined basic value and the measured quantity, and the measured signal is used for controlling the brake system. Additionally, the phrases “basic value,” “measured quantity,” and “additional measured quantities” are not “relative terms.” Each phrase is clearly described in the specification as demonstrated in the above excerpts. Since the phrases are clear and explicitly supported in the specification, and Claim 1 distinctly points out the subject matter of the invention, Claim 1 is not indefinite under 35 U.S.C. § 112, second paragraph. Therefore, Applicant respectfully requests that this rejection be withdrawn.

The Office Action suggests that Claim 6 and 7 do not further limit Claim 1 “since it is assumed that the basic value and the measured quantity is the same value.” This is not a proper assumption. What the Examiner ignores in this assumption is the phrase “on activation of the brake system”. In particular, amended Claim 1 recites “assuming a measured value of the at least one measured quantity available on activation of the brake system as the basic value.” (emphasis added) Thus, on activation of the brake system, the measured value of a measured quantity is assumed as basic value. At a time after the activation of the brake system the measured value may change, which means that at such a later time the measured value would differ from the basic value, which was assumed to be what the measured value was “on activation of the brake system”. Moreover, Claims 6 and 7 include limitations that modify the basic value. Specifically, Claim 6 recites in part “correcting the basic value during operation if the at least one measured quantity is less than the basic value,” and Claim 7 recites in part “determining a new basic value if a measured quantity is greater than the basic value and less than a predetermined threshold value.” Thus, Claims 6 and 7 include limitations that modify the basic value beyond the limitations recited in Claim 1 from which Claims 6 and 7 depend. Since Claims 6 and 7 include limitations not present in Claim 1, they do further limit Claim 1. Therefore, Applicant respectfully requests that this rejection be withdrawn.

Claims 1-9 stand rejected under 35 U.S.C. § 102 (b) as being anticipated by United States Patent No. 5,717,134 to Schlichenmaier et al. (“the Schlichenmaier reference”). According to the Office Action at page 3 thereof:

Schlichenmaier et al. teaches a method and device for controlling a brake system, the device comprising a control unit (10) for detecting at least one measured quantity/operating variable and including a calibration arrangement (Col. 3, lines 49-50); the method comprising assuming a measured value of at least one measured quantity/operating variable available on activation of the brake system as the basic value

and forming a measured signal for controlling the brake system (cl. 1, 9)(Col. 2, line 64 – Col. 3, line 11).

To reject a claim under 35 U.S.C. § 102(b), the Office must demonstrate that each and every limitation is identically disclosed in a single prior art reference. *See Scripps Clinic & Research Foundation v. Genentech, Inc.*, 18 U.S.P.Q.2d 1001, 1010 (Fed.Cir. 1991). “The identical invention must be shown in as complete detail as is contained in the claim.” M.P.E.P. § 2131.

Amended Claim 1 recites:

A method for determining a basic value of at least one measured quantity of a brake system, the at least one measured quantity being a basis for controlling the brake system, the method comprising:

assuming a measured value of the at least one measured quantity available on activation of the brake system as the basic value; and

forming a measured signal for adjusting a brake pressure for controlling the brake system as a function of the at least one measured quantity and the basic value.

The Schlichenmaier reference does not disclose at least the limitation of “forming a measured signal for adjusting a brake pressure of the brake system as a function of the at least one measured quantity and the basic value.” The Schlichenmaier reference discloses “a device for testing the function of an electronically controlled brake system.” (Schlichenmaier, col. 1., ll. 7-9). According to the Schlichenmaier reference:

For the function test, at least one of the microcomputers of the central control unit receives the values for the operating variable determined by the pressure control modules. This microcomputer then forms a reference variable, with which it compares the individually measured operating variables determined by the pressure control modules. If there is unacceptable deviation between the reference variable and the value for the operating variable which it has received, it is assumed, in cases where the operating voltage is being detected, that there is a defect in the analog-digital converter of the associated pressure control module or a defective state involving the line which feeds voltage to this pressure control module. In cases where it is the brake pressure which is being detected, it is assumed in a corresponding manner that there is a defect in the route used to detect the pressure. If a defect is identified, the brake system is switched over to emergency operating mode. That is, the electrical system is turned off in whole or in part, and part or all of the brake system is switched over to pneumatic or hydraulic emergency actuation. (Schlichenmaier, col. 3, l. 53 – col. 4, l. 5).

Thus, the Schlichenmaier reference discloses comparing a measured operating variable to a computed reference variable to determine if a defect exists. Then, if a defect is

identified, at least part of the electrical brake system is turned off. The Schlichenmaier reference does not disclose forming a measured signal for adjusting a brake pressure for controlling the brake system as a function of an operating variable and the reference variable.

The Office Action suggests that the following passage provides such support:

In a preferred exemplary embodiment, a value for determining the degree to which the brake pedal has been actuated is sent to central control unit 10 by electrical section 52 of brake value transmitter 54. This signal is processed by the central control unit, and nominal values are determined in accordance with predefined characteristic curves or characteristic fields, possibly under consideration of additional operating variables such as axle loads, wheel-specific variables, vehicle deceleration, etc., or nominal pressure moments, nominal braking moments, or nominal slippage values for the individual wheel brakes or for the trailer. These nominal values are sent via communications system 28 to the individual pressure control modules, which adjust the pressure in the individual wheel brakes in correspondence with the prescribed nominal value. (Schlichenmaier, col.2, 1. 64-col.3,1.11)

Thus, in this passage the Schlichenmaier reference discloses adjusting the brake pressure for controlling the brake system but does not do so based on a measured signal formed as a function of a measured quantity and its basic value. Since the Schlichenmaier reference does not disclose at least "forming a measured signal for adjusting a brake pressure for controlling the brake system as a function of the at least one measured quantity and the basic value," the Schlichenmaier reference does not anticipate Claim 1 or its dependent Claims 2-9 under 35 U.S.C. § 102(b). Therefore, Applicant respectfully requests that this rejection be withdrawn.

### CONCLUSION

In light of the foregoing, Applicant respectfully submits that all of the pending claims are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

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BY: Richard L. Mayer  
Richard L. Mayer  
Reg. No. Reg. No. 22,490

KENYON & KENYON  
One Broadway  
New York, NY 10004  
(212) 425-7200



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AMENDMENT VERSION WITH MARKUP

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**In the Claims:**

1. (Amended) A method for determining a basic value of at least one measured quantity of a brake system, the at least one measured quantity being a basis for controlling the brake system, the method comprising:

assuming a measured value of the at least one measured quantity available on activation of the brake system as the basic value; and

forming a measured signal for adjusting a brake pressure for controlling the brake system as a function of the at least one measured quantity [value ]and the basic value.